

ASSEMBLY BILL

No. 1652

Introduced by Assembly Member Jones

January 14, 2010

An act to add Part 8.2 (commencing with Section 7935) to Division 5 of the Labor Code, relating to employment.

LEGISLATIVE COUNSEL'S DIGEST

AB 1652, as introduced, Jones. Safety in employment: ski resorts.

Existing law specifies the requirements for obtaining a license for, and operating, a passenger aerial tramway. Existing law also requires the Division of Occupational Safety and Health within the Department of Industrial Relations to conduct inspections of aerial tramways at specified intervals.

This bill, in addition, would require the division to utilize the most current safety standards when inspecting aerial passenger tramways operated at ski resorts.

The bill would also impose certain requirements on each ski resort, including (1) filing an annual safety plan with the division and providing that plan to the public and the division, as specified, (2) reporting to the division, on an annual basis, regarding each injury to a patron resulting from a recreational activity, (3) reporting to the division, within 24 hours, each patron fatality resulting from a recreational activity, (4) standardizing safety signage and safety equipment in use at the resort, (5) requiring each employee to wear a ski helmet when skiing or snowboarding on the job, and (6) adopting and enforcing a rule requiring each patron of the ski resort who is under 18 years of age to wear a ski helmet when skiing or snowboarding within the resort. Repeated violation of these provisions relating to employees would constitute a

misdemeanor. By creating a new crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Part 8.2 (commencing with Section 7935) is
2 added to Division 5 of the Labor Code, to read:

3
4 PART 8.2. SKI RESORT SAFETY
5

6 7935. (a) A ski resort that operates in California shall do all
7 of the following:

8 (1) Prepare an annual safety plan that conforms with the
9 requirements of federal regulations applicable to ski resorts
10 operating on federal property.

11 (2) File a copy of the annual safety plan with the division, in
12 addition to any safety plan that is required to be filed with the
13 United States Forest Service. Neither the division nor division
14 inspectors have any responsibility to evaluate an annual safety
15 plan submitted to the division.

16 (3) Post the annual safety plan at a location in the ski resort
17 where it can be viewed by the public.

18 (4) Make the annual safety plan available to anyone who
19 requests it at the ski resort.

20 (5) Make the annual safety plan available on the ski resort's
21 Internet Web site, if one is maintained.

22 (6) Make the annual safety plan available to a division inspector,
23 upon demand.

24 (7) (A) Submit to the division an annual report containing the
25 following information, if known:

26 (i) A description of each injury that resulted from a recreational
27 activity, such as skiing, snowboarding, or sledding, that the resort
28 is designed to provide, and that occurred on the ski resort property.

1 The report need only include those injuries that the ski patrol or
2 ski resort operating personnel are aware of, and that required
3 transport to a hospital, a hospital visit, admission to a hospital,
4 surgery, or a visit to a medical doctor for further evaluation or
5 care.

6 (ii) The age of each person injured in an incident identified in
7 clause (i), the type of recreational activity involved, the cause of
8 the injury, the location at the resort where the injury occurred, and
9 the name of any facility where medical treatment was provided.

10 The report shall not identify an injured person by name.

11 (B) The annual report shall be submitted to the division no later
12 than August 1 of each calendar year, and shall reflect injuries, if
13 known, that occurred at the ski resort during the previous one-year
14 period preceding the August 1 report.

15 (C) The division shall have no responsibility to evaluate or
16 summarize the information provided pursuant to this paragraph.

17 (8) (A) Submit to the division, within 24 hours, the following
18 information, if known:

19 (i) A description of each incident resulting in a fatality that
20 resulted from a recreational activity, such as skiing, snowboarding,
21 or sledding, that the resort is designed to provide, and that occurred
22 on the ski resort property.

23 (ii) The age of each person killed in an incident identified in
24 clause (i), the type of recreational activity involved, the cause of
25 the fatality, the location at the resort where the incident occurred,
26 and the name of any facility where medical treatment was provided.
27 The report shall not identify a deceased person by name or address.

28 (B) The division shall have no responsibility to evaluate or
29 summarize the information provided pursuant to this paragraph.

30 (C) The reporting requirements for injuries and fatalities
31 contained in this paragraph and in paragraph (7) do not apply to
32 injuries or fatalities to employees or contractors of the ski resort
33 and are not intended to modify or abridge any reporting
34 requirement regarding an injury or fatality to an employee or
35 contractor.

36 (9) Establish standardized signage used to indicate a ski area
37 boundary or hazard, or provide other safety information. Safety
38 signs shall be posted to facilitate the safe flow of skiers and to
39 warn of hazardous terrain. A sign and key to the marking symbols
40 shall be included in all trail maps and shall be posted in

1 conspicuous locations at each lift entrance and exit. Division
2 inspectors may note the presence or absence of signage required
3 under this paragraph on their inspection forms as part of their
4 inspections of the aerial tramways.

5 (10) Establish a policy for standardized safety padding for use
6 at lift towers and fixed snow making equipment in close proximity
7 to ski runs or to the anticipated path of skiers, snowboarders, or
8 sledders.

9 (11) Require each employee to wear a ski helmet meeting the
10 specifications of the American Society of Testing Materials or the
11 Snell Memorial Foundation when skiing or snowboarding on the
12 job.

13 (12) Adopt and enforce a rule requiring each patron of the ski
14 resort who is under 18 years of age to wear a ski helmet meeting
15 the specifications of the American Society of Testing Materials or
16 the Snell Memorial Foundation when skiing or snowboarding
17 within the resort.

18 (b) When inspecting ski resort tramways, the division shall use
19 the most current aerial tramway safety standards.

20 SEC. 2. No reimbursement is required by this act pursuant to
21 Section 6 of Article XIII B of the California Constitution because
22 the only costs that may be incurred by a local agency or school
23 district will be incurred because this act creates a new crime or
24 infraction, eliminates a crime or infraction, or changes the penalty
25 for a crime or infraction, within the meaning of Section 17556 of
26 the Government Code, or changes the definition of a crime within
27 the meaning of Section 6 of Article XIII B of the California
28 Constitution.